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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 68/81 on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories.

* A/69/150.

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1. The present report is submitted pursuant to General Assembly resolution 68/81, adopted on 11 December 2013, the operative part of which reads as follows:

> "*The General Assembly*,
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> "...
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> "1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
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> "2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> "3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
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> "4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly, including at its tenth emergency special session and including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;
>
> "5. *Requests* the Secretary-General to report to the General Assembly at its sixty-ninth session on the implementation of the present resolution."

2. On 9 May 2014, the Secretary-General addressed a note verbale to the Government of Israel in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps that it had taken, or envisaged taking, concerning the implementation of the relevant provisions of that resolution.

3. No reply had been received from Israel at the time of the preparation of the present report.

4. By a note verbale dated 9 May 2014, sent to all permanent missions of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, including Palestine, the Secretary-General drew attention to paragraph 3 of resolution 68/81. The Secretary-General requested, in view of his reporting obligations under that resolution, information regarding any steps that the High Contracting Parties had taken or envisaged taking concerning its implementation.

5. Three replies to the note verbale were received in response to the Secretary-General's requests.

6. On 27 May 2014, the Permanent Mission of Qatar replied to the note verbale. Qatar recalled its support for resolution 68/81, in addition to numerous resolutions

adopted by the League of Arab States, the latest of which was resolution No. 595 of 26 March 2014, adopted at its twenty-fifth ordinary session, on "Developments in the Palestinian cause". Qatar noted that paragraph 15 of that resolution condemns "the Israeli policy of ethnic cleansing practised by Israel in Jerusalem through the withdrawal of residency and the expulsion of residents in order to change its demographic and geographic character". Qatar stated that "it holds the Israeli Government fully responsible for all consequences resulting from this policy and practice". Qatar further called upon the Government of Switzerland to convene a conference of the High Contracting Parties to the Geneva Convention of 1949, in order to look for ways of implementing the Convention in the Occupied Palestinian Territory and to provide protection for the Palestinian people under occupation".

7. On 6 June 2014, the Permanent Mission of Cuba replied to the note verbale, expressing its full support for resolution 68/81 and affirming the applicability of the Fourth Geneva Convention to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967. Cuba noted with serious concern that, despite numerous calls by the international community, Israel, as the occupying Power, had failed to cease its illegal practices and policies in the Occupied Palestinian Territory, including East Jerusalem. In particular, Cuba raised its concerns in relation to continued Israeli settlement activities, including during the peace negotiations, and construction of the wall in the occupied territory; demolitions of Palestinian houses and forcible displacement of Palestinians; human rights violations suffered by Palestinians, including children, detained in Israeli prisons; and excessive use of force by the occupation forces, resulting in deaths and injuries of Palestinians, including children. Cuba reiterated its call for implementation of resolution 68/81 and for Israel to end all its violations of international law. Cuba also condemned Israel's brutal military campaign against the Palestinian people living in Gaza, including the excessive and indiscriminate use of force against Palestinian civilians and the destruction of property, infrastructure and agricultural land in violation of international law. In addition, Cuba expressed the view that Israel had for years been able to act with impunity in the Occupied Palestinian Territory, owing in particular to the silence of the Security Council. Cuba reaffirmed its support for the Palestinian people in their legitimate struggle for dignity, justice and peace and their inalienable right to self-determination and sovereignty of an independent State of Palestine along pre-1967 borders, with East Jerusalem as its capital.

8. On 24 June 2014, the Permanent Mission of Colombia responded to the note verbale, noting that it viewed the situation in the Middle East as an integral issue. It therefore advocates for a structured and lasting solution to the situation in the region. Colombia called for the cessation of the use of force, or threat thereof, and the end of terrorism. Colombia further expressed its understanding of the aspiration of the Palestinian people to achieve prompt recognition of the Palestinian State. Colombia noted that it continued to support the objective of a viable Palestinian State, in peaceful coexistence alongside Israel, with defined, internationally recognized, and secure borders, based on the 1967 lines, or with such changes as might be mutually agreed upon by both parties. Colombia noted its belief that negotiation was the only means to achieve a lasting solution, and highlighted that it is unacceptable to use force as a means to obtain territory. Colombia stressed its support for achieving lasting regional peace through consensus and dialogue.